

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
TUESDAY, JULY 21, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Lease Agreement between the **City of Norfolk and Old Dominion University** for the lease of certain property owned by the City of Norfolk at **501 Boush Street**.

Thereupon, An Ordinance entitled, "An Ordinance approving a Lease Agreement between the City of Norfolk and Old Dominion University for the lease of certain property owned by the City of Norfolk at 501 Boush Street and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to the City's *Zoning Ordinance* to amend portions of Sections 24-4, 24-7, and 25-5.6 to codify procedures related to continuances and withdrawals of applications pending before the Commission.

Thereupon, An Ordinance entitled, “An Ordinance to amend portions of Sections 24-4, 24-7 and 25-5.6 of the **Zoning Ordinance of the City of Norfolk, 1992**, SO AS TO codify procedures related to continuances and withdrawals of applications pending before the commission,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to the City’s *Zoning Ordinance* to amend Table 11-33-A, “Table of Land Uses” for PCO-5 PTS (Pedestrian Commercial Overlay – Five Points) District, to add “Pawnshop” as a land use allowed by Special Exception within the PCO 5-PTS District.

William Jackson, 3709 Buckingham Street, Austin Loney, 2205 Jeffrey Drive, Virginia Beach and Josh Loney, 6145 Sewells Point Road, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain Table 11-33-A of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to allow pawnshop by Special Exception in the Five Points Pedestrian Commercial Overlay (PCO-5 PTS) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a pawn shop on property located at **6137-6145 Sewells Point Road,**” was introduced in writing and read by its title.

The following people were present in favor of this matter but did not wish to speak:

William Jackson, 3709 Buckingham Street, Austin Loney, 2205 Jeffrey Drive, Virginia Beach, Josh Loney, 6145 Sewells Point Road, Justin Downard, 3700 Buckingham Street, Douglas Duffey, 8152 Camellia Road, Sarah Bean, 3653 Amherst Street, Shawntay Gunter, 225 A View Avenue, #213, Ashley Baker, 225 A View Avenue, Samantha Wright, 9626 Atlans Street, Deidre Gunter, 1053 Hugo Street, #B, Christine Loney, 2205 Jeffrey Drive, Donna Weyandt, 529 Muhlenberg Avenue, Reading, PA, Ava Duffy, 8152 Camellia Road, Willie Byrd, 1549 McNeal Avenue, Brandon Everett, 9626 Atlans Street, Megan Downard, 3700 Buckingham Street, Donneice Reynolds, 8426 Tidewater Drive, #5, Monique Bethea, 329 Fort Worth Avenue, #16, and Anne Wilson, 6145 Sewellls Point Road.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and a Resolution entitled, “A Resolution approving the renewal and revision of the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth for Fiscal Year 2016,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R -3

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to negotiate agreements in substantial conformity with the terms and conditions of the attached **Funding Agreements**, for the purpose of purchasing from the Commonwealth of Virginia certain parcels of property known as **5809 Hartwick Drive and 1826 East Bayview Boulevard**, in the City of Norfolk, and approving the conveyance of said parcels of property to the City of Norfolk by the Commonwealth of Virginia,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and a Resolution entitled, “A Resolution authorizing the application to the United States Department of Housing and Urban Development for a **Section 108 Economic Development Loan Fund Guarantee** of up to approximately \$19,000,000,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to execute an amendment to an agreement in substantial conformity with the terms and conditions of the amendment to the Comprehensive Agreement by and between **the City of Norfolk, Norfolk Public Schools and S.B. Ballard Construction Company** for the design and construction of four schools known as Campostella K-8 School, Broad Creek PK-5 School, Ocean View PK-5 School and Larchmont PK-5 School, with an option to design and build Camp Allen PK-5 School to issue a notice to proceed with the Camp Allen project and to remove furniture, fixtures and equipment and information technology from each of the schools,” was introduced in writing and read by its title.

Ronnie Jennings, 1625 Colon Avenue, was present in favor of this matter but did not speak.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Cost Participation Agreement between the **City of Norfolk and Norfolk Collegiate School** for storm water improvements at **Suburban Parkway and Woodfin Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the expenditure of funds heretofore appropriated to the **Economic Development Authority of the City of Norfolk** to enable it to carry out its obligations under that certain Purchase Agreement, dated November 12, 2013, with **Simon Acquisition II, LLC.**, for a portion of the property known as Lake Wright Golf Course on Northampton Boulevard,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend Section 2-600 of the Norfolk City Code, 1979, **SO AS TO** increase the membership of the **Bicycling and Pedestrian Trails Commission**, and to appoint new members to the Commission,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-9

A Resolution entitled, "A Resolution appointing and reappointing 45 persons to 8 Boards, 7 Commissions and 1 Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 21, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

NEW BUSINESS

1. Joe Cook, 1147 Surry Crescent, thanked the Mayor for inviting him to meet to discuss his concern about response to issues he has raised, and expressed concern about the impact of coal dust on residents and their property. He also expressed concern about city staff providing Norfolk Southern with correspondence from him and the Sierra Club regarding coal dust, quoting emails from Denise Thompson, Manager of Environmental Protection Programs and Norfolk Southern. He asked for a response from the City Manager on the policy that governs staff meeting with citizens to inform them of environmental issues.
2. Danny Lee Ginn, 3845 Dare Circle, commented that the Mayor stated, he would not allow censuring or votes of no confidence of council members.